

EXHIBIT J

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and Bernard L.
Madoff,

Plaintiff,

v.

DEFENDANTS IN ADVERSARY
PROCEEDINGS LISTED ON APPENDIX 1
ATTACHED HERETO,

Defendants.

Adv. Pro. Nos. listed on Appendix 1
Attached Hereto

**[PROPOSED] ORDER APPROVING LIMITED ADDITIONAL DISCOVERY BASED
ON PRIOR ORDERS AUTHORIZING DEPOSITION OF BERNARD L. MADOFF**

On September 21, 2018, Irving H. Picard, trustee (“Trustee”) for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. § § 78aaa *et seq.* (“SIPA”), and the estate of Bernard L. Madoff (“Madoff”) (collectively, “Debtor”), by and through his counsel, filed a Motion for Limited Additional Discovery Based on Prior Orders Authorizing Deposition of Bernard L. Madoff (the “Motion”), ECF No. _____. The Motion sought certain discovery under the Order Authorizing the Deposition of Bernard L. Madoff (ECF No. 14213) and the

Order Authorizing the Continued Deposition of Bernard L. Madoff on Day Two Topics (ECF No. 16625).

The Court heard argument on the Trustee's Motion on October 31, 2018.

For the reasons stated on the record, it is hereby **ORDERED** that:

1. The deadline to complete fact discovery is hereby extended for ninety days from the entry of this Order to complete certain limited discovery based on the testimony of Bernard L. Madoff during his deposition ("Limited Fact Discovery Period"), in all cases set forth in **Appendix 1**, notwithstanding any fact discovery deadlines set forth in the applicable case management orders.

2. During the Limited Fact Discovery Period, the Trustee is permitted to conduct the following discovery as set forth in his Motion:

- a. Depose the three incarcerated witnesses—Annette Bongiorno, Daniel Bonventre, and Joann Crupi—as provided for in separate orders entered under Federal Rule of Civil Procedure 30(a), applicable to this proceeding under Rule 7030 of the Federal Rules of Bankruptcy Procedure;
- b. Depose Enrica Cotellessa-Pitz;
- c. Depose David Kugel;
- d. Depose Joann Sala;
- e. Depose FBI Special Agent Keith Kelly or Theodore Cacioppi; and
- f. Disclose and produce documents to defendants that the Trustee may use during any permitted fact depositions of the former BLMIS employees identified herein, as well as those documents

considered by the Trustee's experts in connection with the supplemental or new reports; and

- g. Serve amended initial disclosures to (i) include the former BLMIS employees identified herein along with the following: Semone Anderson, Angela Celentano, Kevin Fong, Margaret Gavlik, Haresh Hemrajani, Winifer Jackson, Betty Mazzone, Jerry O'Hara, and George Perez and (ii) attach indices detailing documents and information in the Trustee's possession.

3. Upon the completion of the Limited Fact Discovery Period, discovery is extended an additional ninety days (or remains open, as the case may be) to complete expert discovery ("Limited Expert Discovery Period"), in all cases set forth in **Appendix 1**, notwithstanding any expert discovery deadlines set forth in the applicable case management orders. During the Limited Expert Discovery Period, the Trustee is permitted to conduct the following discovery as set forth in his Motion:

- a. Serve the supplemental expert reports of Bruce Dubinsky and Lisa Collura in each of the 25 cases in which expert reports were previously served;
- b. Serve the same expert reports of Bruce Dubinsky and Lisa Collura (referenced in 3.a.) in the remaining 67 of the Madoff Deposition Cases in which expert reports have not been served pursuant to case management orders or the Chaitman Discovery Order; and

- c. Serve two additional expert reports, including an expert report on convertible arbitrage trading and an expert report on BLMIS's computer systems in all cases set forth in Appendix 1.
- 4. The following deadlines shall govern the Limited Expert Discovery Period:
 - a. Within 15 days of the expiration of the Limited Fact Discovery Period, all expert reports (referenced in 3.a., b., or c.) shall be served, and such reports must comply with the disclosure requirements under Federal Rule of Civil Procedure 26(a)(2);
 - b. Within 45 days of service of the reports referenced in 4a., rebuttal reports may be served;
 - c. Prior to the expiration of the Limited Expert Discovery Period, any depositions of disclosed experts must be completed; and
 - d. Expert witnesses shall be deposed only once;
- 5. The Court, in its discretion, may impose sanctions on any person or entity that violates any provision of this Order; and
- 6. This Court shall retain exclusive jurisdiction over the enforcement, implementation, and interpretation of this Order.

Dated: New York, New York
_____, 2018

HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE

APPENDIX 1

Cases Participating in Madoff's Deposition

	APN	Case Name	Counsel
1	10-04541	Kenneth W Perlman, et al.	Blank Rome LLP Chaitman LLP
2	10-04428	Estate of Allen Meisels, et al.	Chaitman LLP
3	10-04709	Andrew M. Goodman	Chaitman LLP
4	10-05127	Atwood Management Profit Sharing Plan & Trust, etc., et al.	Chaitman LLP
5	10-05130	Barbara Kotlikoff Harman	Chaitman LLP
6	10-05037	Barbara L. Savin	Chaitman LLP
7	10-04367	Benjamin T. Heller	Chaitman LLP
8	10-05133	Boyer H. Palmer, individually, et al.	Chaitman LLP
9	10-04826	Boyer Palmer	Chaitman LLP
10	10-04753	Carla Ginsburg	Chaitman LLP
11	10-04469	Carol L. Kamenstein, individually and in her capacity as joint tenant	Chaitman LLP
12	10-04956	D. M. Castelli	Chaitman LLP
13	10-04621	Donald A. Benjamin	Chaitman LLP
14	10-05312	Doron Tavlin Trust U/A 2/4/91, et al.	Chaitman LLP
15	10-04914	Edyne Gordon	Chaitman LLP
16	10-04809	Edyne Gordon NTC	Chaitman LLP
17	10-04491	Elaine Dine Living Trust dated 5/12/06, et al.	Chaitman LLP
18	10-04728	Estate of Bruno L. Di Giulian, et al.	Chaitman LLP
19	10-05079	Estate of James M. Goodman, et al.	Chaitman LLP
20	10-04889	Estate of Robert Shervyn Savin, et al.	Chaitman LLP
21	10-04438	Estate of Seymour Epstein, et al.	Chaitman LLP
22	10-04867	Estate of Steven I. Harnick, et al.	Chaitman LLP
23	10-04397	Fern C. Palmer Revocable Trust Dtd 12/31/9, et al.	Chaitman LLP
24	10-04823	Frank DiFazio, et al.	Chaitman LLP
25	10-04327	Gertrude E. Alpern Revocable Trust, et al.	Chaitman LLP
26	10-04920	Glenhaven Limited, et al.	Chaitman LLP
27	10-04991	Guiducci Family Limited Partnership, et al.	Chaitman LLP
28	10-05420	Gunther K. Unflat, et al.	Chaitman LLP
29	10-04912	Harry Smith Revocable Living Trust, et al.	Chaitman LLP
30	10-04321	Herbert Barbanel, et al.	Chaitman LLP
31	10-05128	JABA Associates LP, et al.	Chaitman LLP
32	10-04655	Jaffe Family Investment Partnership, et al.	Chaitman LLP
33	10-04762	James M. Goodman	Chaitman LLP
34	10-04979	James M. New Trust dtd 3/19/01, et al.	Chaitman LLP
35	10-04798	Janet Jaffe, et al.	Chaitman LLP
36	10-04545	Jerome Goodman, et al.	Chaitman LLP
37	10-04302	Joan Roman	Chaitman LLP
38	10-04503	Judd Robbins	Chaitman LLP
39	10-05435	Keith Schaffer, et al.	Chaitman LLP
40	10-04806	Kenneth M. Kohl, as an individual and as a joint tenant, et al.	Chaitman LLP
41	10-04752	Kuntzman Family LLC, et al.	Chaitman LLP
42	10-05184	Laura Ann Smith Revocable Living Trust, et al.	Chaitman LLP
43	10-05116	Leonard J. Oguss Trust, et al.	Chaitman LLP
44	10-04837	Leslie Ehrlich f/k/a Leslie Harwood , et al.	Chaitman LLP
45	10-04878	Lisa Beth Nissenbaum Trust, et al.	Chaitman LLP
46	10-04748	Mark Horowitz	Chaitman LLP
47	10-04489	Marlene Krauss	Chaitman LLP
48	10-05151	Palmer Family Trust, et al.	Chaitman LLP
49	10-04648	Peter D. Kamenstein	Chaitman LLP
50	10-04749	Philip F. Palmedo	Chaitman LLP
51	10-04768	Placon2, William R. Cohen, et al.	Chaitman LLP

	APN	Case Name	Counsel
52	10-05150	Plafsky Family LLC Retirement Plan, Robert Plafsky, et al.	Chaitman LLP
53	10-05377	Richard G. Eaton	Chaitman LLP
54	10-04562	Robert F. Ferber	Chaitman LLP
55	10-04740	Robert Hirsch, as an individual, and as joint tenant, et al.	Chaitman LLP
56	10-04292	Robert Roman	Chaitman LLP
57	10-04614	Robert S. Whitman	Chaitman LLP
58	10-04487	Robert Weintraub, et al.	Chaitman LLP
59	10-04644	Russell L. Dusek	Chaitman LLP
60	10-04961	Sylvan Associates LLC f/k/a Sylvan Associates Ltd Partnership, et al.	Chaitman LLP
61	10-04539	The Gerald and Barbara Keller Family Trust, et al.	Chaitman LLP
62	10-05104	The Gloria Albert Sandler and Maurice Sandler Revocable Living Trust	Chaitman LLP
63	10-05157	The Harnick Brothers Partnership, et al.	Chaitman LLP
64	10-04718	The Jordan H. Kart Revocable Trust, et al.	Chaitman LLP
65	10-05124	The Lawrence J. Ryan and Theresa R. Ryan Revocable Living Trust, et al.	Chaitman LLP
66	10-04610	The Whitman Partnership, et al.	Chaitman LLP
67	10-04818	Toby Harwood	Chaitman LLP
68	10-04905	Train Klan, a Partnership, et al.	Chaitman LLP
69	10-04446	Trust Dated 12/6/99 Walter and Eugenie Kissinger, et al.	Chaitman LLP
70	10-04995	Trust U/Art Fourt O/W/O Israel Wilenitz, et al.	Chaitman LLP
71	10-05026	Walter Freshman Trust A, a Florida trust, et al.	Chaitman LLP
72	10-05196	Whitman 1990 Trust U/A DTD 4/13/90, et al.	Chaitman LLP
73	10-04570	Jacob M. Dick Rev Living Trust DTD 4/6/01, et al.	Chaitman LLPPro Se
74	10-04352	RAR Entrepreneurial Fund LTD, et al.	Chaitman LLPPro Se
75	10-04925	Alvin Gindel Revocable Trust, a Florida trust, et al.	Dentons US LLP
76	10-04332	Barry Weisfeld	Dentons US LLP
77	10-04861	Harold J. Hein	Dentons US LLP
78	10-04357	James Greiff	Dentons US LLP
79	10-05209	Lapin Children LLC	Dentons US LLP
80	10-04882	Laura E. Guggenheimer Cole	Dentons US LLP
81	10-05384	Neil Reger Profit Sharing Keogh, et al.	Dentons US LLP
82	10-04401	Rose Gindel Trust, et al.	Dentons US LLP
83	10-04702	S&L Partnership, a New York partnership, et al.	Dentons US LLP
84	10-04672	Sidney Cole	Dentons US LLP
85	10-04921	Stanley T. Miller	Dentons US LLP
86	10-04415	The Estate of Barbara Berdon, et al.	Dentons US LLP
87	10-04486	The Norma Shapiro Revocable Declaration of Trust Under Agreement Date	Dentons US LLP
88	10-05236	Toby T. Hobish, et al.	Dentons US LLP
89	10-05257	Edward A. Zraick, Jr., individually and as joint tenant, et al.	Huntton Andrews Kurth LLP
90	10-04362	Sage Associates, et al.	McDermott Will & Emery LLP
91	10-04400	Sage Realty, et al.	McDermott Will & Emery LLP
92	10-04931	Cantor, et al.	Winston & Strawn LLP